

DANIEL G. BOGDEN
United States Attorney
District of Nevada
BLAINE T. WELSH
Assistant United States Attorney
Nevada Bar. No. 4790
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
Phone: (702) 388-6336
Facsimile: (702) 388-6787
Email: Blaine.Welsh@usdoj.gov

DAVID C. SHONKA
Acting General Counsel
NIKHIL SINGHVI
JASON D. SCHALL
HELEN P. WONG
IOANA RUSU
COURTNEY A. ESTEP
THOMAS E. KANE
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mailstop CC-10232
Washington, D.C. 20580
Phone: (202) 326-3480 (Singhvi)
Facsimile: (202) 326-3768
Email: nsinghvi@ftc.gov (Singhvi); jschall@ftc.gov (Schall)
Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

AMG Services, Inc., et al.,

Defendants, and

Park 269, LLC, et al.,

Relief Defendants.

Case No. 2:12-cv-536

**JOINT MOTION AND
STIPULATION FOR TWO-
WEEK STAY OF FILING
DEADLINES AND
ADJUDICATION OF POST-
JUDGMENT MOTIONS
(Second Request)**

1 The Federal Trade Commission (“FTC”) and Defendants Scott Tucker, AMG Capital Management,
2 LLC, Level 5 Motorsports, LLC, Black Creek Capital Corporation, and Broadmoor Capital Partners
3 (collectively, “Tucker Defendants”) request that the Court stay all deadlines and the adjudication of
4 pending post-judgment motions for two weeks (until November 17, 2016). The FTC and Tucker
5 Defendants are currently engaged in negotiations to attempt to resolve the pending Motion for Order
6 Directing Turnover of Assets (ECF No. 1059, “Turnover Motion”), the Motion for Appointment of a
7 Receiver (ECF No. 1064 (filed under seal), “Receiver Motion”), and the oppositions filed thereto. In order
8 to facilitate those discussions and the refinement of terms, the parties request that the Court not rule on the
9 Turnover Motion or the Receiver Motion before November 18, 2016. Similarly, the parties request that the
10 Court extend the deadline for the FTC to file its reply brief to the Receiver Motion to November 17, 2016.
11 This is the second stipulation for an extension regarding the Turnover Motion and Receiver Motion.

12 The FTC and Tucker Defendants respectfully request that the Court temporarily stay existing
13 deadlines and the adjudication of the Turnover Motion and Receiver Motion as follows:

- 14 1. On September 30, 2016, this Court entered an Order granting the FTC’s summary judgment
15 motion on Phase 2, and entered judgment against the Tucker Defendants and the Relief
16 Defendants. Order (ECF No. 1057).
- 17 2. To facilitate post-judgment collection and enforcement of the Court’s Order, the FTC filed
18 the Turnover Motion on October 3 and the Receiver Motion on October 13. The Tucker
19 Defendants have opposed each motion. *See generally*, Tucker Defendants’ Response in
20 Opposition to FTC’s Motion for Order Directing Turnover of Assets (ECF No. 1061);
21 Tucker Defendants’ Opposition to Motion for Appointment of a Receiver (ECF No. 1071).
22 Presently, only one filing deadline (October 27) remains – for the FTC’s reply in support of
23 its Receiver Motion.
- 24 3. Good cause exists to stay deadlines and adjudication. The FTC and Tucker Defendants are
25 presently discussing possible compromises to resolve the pending Turnover Motion and
26 Receiver Motion. If these negotiations are successful, the parties intend to submit a joint
27 proposed order that would resolve both motions. However, a Court ruling in the midst of
28 the parties’ discussions could adversely affect the parties’ negotiations. Similarly, the

1 pending filing deadline diverts the FTC's resources away from the ongoing negotiations.

2 Finally, a temporary stay permits the Court to conserve its scarce resources and promotes
3 judicial economy. Thus, cause exists for a temporary stay that permits the Court to preserve
4 its resources while the parties attempt to reach a consensual resolution.

5 4. The FTC and Tucker Defendants jointly request that the following deadlines govern the
6 Turnover Motion and the Receiver Motion:

- 7 a. The deadline for the FTC to file its reply in support of its Motion for Appointment of
8 a Receiver (ECF No. 1064 (filed under seal)) is extended to November 17, 2016;
- 9 b. Adjudication of the Motion for Appointment of a Receiver (ECF No. 1064) and the
10 Motion for Order Directing Turnover of Assets (ECF No. 1059) is stayed until
11 November 18, 2016; and
- 12 c. The temporary stay of deadlines and adjudication is without prejudice to further
13 requests to extend pending deadlines and adjudication of the post-judgment motions.

14 If this Stipulation is accepted by the Court, the previous deadlines for the FTC's reply brief (ECF Nos.
15 1068 and 1079) are rendered moot.

1 Dated: November 3, 2016

2 /s/ Jason D. Schall
3 Jason D. Schall
4 Federal Trade Commission
5 600 Pennsylvania Ave., NW
6 Mailstop CC-10232
7 Washington, DC 20580
8 nsinghvi@ftc.gov
9 Tel. (202) 326-3480
10 Fax (202) 326-3629

11 *Attorney for Plaintiff Federal Trade Commission*

/s/Jeffrey D. Morris
Jeffrey D. Morris
Nick J. Kurt
Berkowitz Oliver LLP
2600 Grand Boulevard, Suite 1200
Kansas City, MO 64108
Phone: (816) 561-7007
Fax: (816) 561-1888
jmorris@berkowitzoliver.com
nkurt@berkowitzoliver.com

*Attorney for Defendants Scott A. Tucker, AMG Capital
Management, LLC, Level 5 Motorsports, LLC, Black
Creek Capital Corporation, and Broadmoor Capital
Partners*

12
13
14 **IT IS SO ORDERED:**



15
16 UNITED STATES MAGISTRATE JUDGE

17 11-3-2016

18 Dated: _____
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, Jason D. Schall, certify that, as indicated below, all parties were served with the FTC's **AGREED MOTION AND STIPULATION FOR TWO-WEEK STAY OF FILING DEADLINES AND ADJUDICATION OF POST-JUDGMENT MOTIONS** on this date by the below identified method of service:

Electronic Case Filing:

Von S. Heinz (vheinz@lrrc.com)
Darren J. Lemieux (dlemieux@lrrc.com)
E. Leif Reid (lreid@lrrc.com)
Jeffrey D. Morris (jmorris@berkowitzoliver.com)
Nick J. Kurt (nkurt@berkowitzoliver.com)
Justin C. Griffin (justingriffin@quinnemanuel.com)
Sanford I. Weisburst (sandyweisburst@quinnemanuel.com)
Kathleen Sullivan (kathleensullivan@quinnemanuel.com)
Attorneys for Defendants AMG Capital Management, LLC; Level 5 Motorsports, LLC; LeadFlash Consulting, LLC; Black Creek Capital Corporation; Broadmoor Capital Partners, LLC; Scott A. Tucker; Nereyda M. Tucker, as Executor of the Estate of Blaine A. Tucker

Patrick J. Reilly (preilly@hollandhart.com)
Linda C. McFee (lmcfee@mcdowellrice.com)
Robert Peter Smith (petesmith@mcdowellrice.com)
Attorneys for Relief Defendants Kim C. Tucker and Park 269 LLC

Victoria W. Ni (vni@publicjustice.net)
Craig B. Friedberg (attcbf@cox.net)
Attorneys for Intervenor Americans for Financial Reform

Jeffrey Vanderloop (jvanderloop@madvanlaw.com)
Martin Welsh (mwelsh@lvlaw.com)
Attorneys for Interested Third Parties El Dorado Trailer Sales, LLC and ETS Ventures, LLC

Dated: November 3, 2016

/s/ Jason D. Schall

Jason D. Schall

Attorney for the Federal Trade Commission